

EU Forest Watch

Informing NGOs, MEPs, Member States, the European Commission and the media

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Commission's 'Buying Social' guide disappoints

The European Commission's (EC) long-awaited "Buying social: a guide to take account of social considerations in public procurement"¹ falls short, according to a coalition of trade unions and NGOs. The newly launched guide gives a restrictive interpretation on what is allowed by the public procurement directives. In general, the EC advises public authorities to treat most social considerations as contract performance issues, rather than as a tool to distinguish between contract tenders.

A network of trade unions, and social and sustainable development organisations have issued a press release² saying that this guide fails to reflect the true potential of public procurement as an instrument to support social and sustainable development objectives.

Buying Social differs from the EU ad

hoc working group's report on timber procurement policy,³ which acknowledged that social criteria could be an intrinsic part of procurement policies, used to prescribe legal and sustainable timber and that criteria under all three pillars of sustainable production are appropriate during the main phases of the tendering procedure (technical specifications and/or award stage) of wood and wood products.

In the meantime, the EC has begun an evaluation of the effectiveness of the current EU procurement legislation and policy, and launched a public consultation on the modernization of EU procurement policy.⁴

1. <http://tinyurl.com/6k4s6f9>
2. www.fern.org/buyingsocial
3. <http://tinyurl.com/48ozsly>
4. <http://tinyurl.com/6c32drp>

Greater ECA accountability needed – but how?

The need for both greater transparency and respect for EU objectives and policies on the part of Export Credit Agencies (ECAs) is widely acknowledged.

On 1 December 2010, the European Parliament Committee on International

Trade (INTA) proposed amendments to a Council decision "on the application of certain guidelines in the field of officially supported export credits." In January 2011, the Council Export Credit Working Group under the Hungarian Presidency began discussing INTA's proposal (FW 155).

On 8 February, the Hungarian Council Presidency Chair and the INTA committee began discussions on INTA amendments to assess if there was room for compromises prior to going for a first reading vote into the Parliament's plenary. The Hungarian Presidency will now report back to the Council working group in their meeting of end February. The earliest the Council could formulate positions at an 18 March meeting, the INTA committee will then decide whether to go to Plenary in April.

A path out of recession and economic doldrums is needed, and export credit could be used to reinvent the industrial base of Europe – for instance, to create the thousands of 'green jobs' that must be developed in the renewable energy sector. Such a path will be traced if ECAs are made accountable for their actions and made to follow safeguards. Parliament's proposal takes us one step nearer to this goal, and should be supported.

Emissions from land use: count them or reduce them?

On 28 January the European Commission held a stakeholder meeting on the role of the agriculture and forestry sector in achieving the EU's climate change targets. The current EU climate policy framework for addressing greenhouse gas emissions sets targets for all major sectors of the economy except for CO2 emissions from land use change.¹ The 2008 Energy package, which enshrines the EU's climate policy framework requires the Commission to present, by June 2011, a proposal on whether – and if so, how – to include CO2 emissions from land use change in the EU's 2020 targets.

Of the four policy options² under discussion for addressing EU land use

emissions, including LULUCF³ in the EU's Emission Trading Scheme (EU ETS) is considered ill-advised; setting a LULUCF target in the EU's Effort Sharing Decision (ESD) would require overhauling the ESD legislation, suggesting that addressing emissions from the land use sector separately and using existing policy instruments such as the Common Agricultural Policy may hold more promising opportunities for incentives to reduce LULUCF emissions than setting a target for reductions under the EU ETS or the ESD.

1. Non-CO2 emissions from agriculture are covered by the directive.
2. http://ec.europa.eu/clima/events/0029/index_en.htm
3. Land Use, Land Use Change and Forestry



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Photo: Jutta Kill

NEWS IN BRIEF

Ready for REDD? In January, the Central African Republic (CAR) government submitted its draft readiness project proposal for REDD or R-PP to the World Bank's Forest Carbon Partnership Facility (FCPF) to be discussed at the March meeting in Vietnam. Written in fewer than four months, civil society's involvement in the drafting was limited and reportedly not in line with the Free Prior and Informed Consent principles (FPIC). Notably, in 2010 CAR was the first African country to ratify the ILO 169 Convention on Indigenous and Tribal Peoples, committing the government to the principles of Free Prior and Informed Consent and full recognition of customary rights.

International accords have failed to stop rampant destruction of the world's forests. IUFRO's recent study, "Embracing complexity: Meeting the Challenges of International Forest Governance" (www.iufro.org/science/gfep/forest-regime-panel/report/) finds that, too often, local needs are ignored; agreements fail to address the most fundamental challenge to global forest management – the fact that deforestation usually is caused by economic pressures imposed from outside the forests.

Moratorium no more? On 29 January 2011, the Democratic Republic of Congo (DRC) Minister of Environment, Nature Conservation and Tourism announced both the close of the old forest-title conversion process, underway since 2005, and the end of the moratorium on new logging titles in the DRC. Congolese and international civil society organisations are highly concerned about this new development. An extension of the forest area allocated for concessions is hardly in keeping with REDD's goal to halt deforestation and forest degradation, despite the DRC government's assertions that it is. Lifting the moratorium will facilitate the DRC's access to REDD and World Bank's Forest Investment Programme funds without addressing the underlying causes of deforestation first, aggravating the situation overall.

Dutch Government rightly wary of MTCS

After a lot of toing and froing, the Dutch Government continues to debate whether to accept the Malaysian Certification scheme (MTCS) as proof of sustainability for its timber procurement policy. The Minister has expressed his willingness to adopt the scheme under a number of conditions, including that the scheme ensures that forest managers work seriously with indigenous peoples; that assessments include planned conversions and that certified forest management units will be clearly marked and maps made available. On 10 February, however,

the Dutch Parliament decided not to fast track a decision, and await the outcome of an appeals process.

In other news, an unrelated study by SarVision, a satellite monitoring and mapping company, showed that in the Malaysian state of Sarawak deforestation is three times as high as in the whole of Asia¹ – despite Malaysian officials' public assertions that no deforestation takes place and land rights are respected.

1. www.telegraph.co.uk/earth/earthnews/8295896/Malaysia-destroying-its-forests-three-times-faster-than-all-Asia-combined.html

Paper dispute: Court finds against Italian NGO

Silence is safer: Italian NGO Terra! unveiled a link between Italian paper company Cartiere Pigna and Asia Pulp & Paper (APP), known for its destructive practices in Indonesian rainforests. After Terra! hung a public banner; Pigna undertook a civil action against it.¹ Notably, the accuracy of Terra!'s report² was endorsed by the court; Terra! proved both that Pigna is a customer of APP and that Pigna's products contain fibres coming from tropical deforestation and related plantations. But the banner Terra! hung was deemed libelous; Terra! was sentenced to pay €27,000.

NGOs consider that irregularities affected the legal process, such as the location of the trial (in a town economically dominated by Pigna) and the disregard of critical evidence presented by NGOs (i.e. paper tests).

The wider implications are chilling: in future, NGOs will be reluctant to come forward where they know of harm, vulnerable peoples and ecosystems will have fewer voices speaking out, and fewer organisations will alert understaffed enforcement agencies to social and legal violations.

1. Case no. 5330/2010

2. Tigri di carta, www.terraonlus.it/it/documenti/doc_download/77-il-rapporto-le-tigri-di-carta

UK marks year of forests by selling theirs¹

Publicly owned forests in England and Wales are to be sold off. The Department for Environment, Food and Rural Affairs (DEFRA) has announced plans to sell up to 100 per cent of Forestry Commission-run forests.²

In putting the public Forest Estate up for sale, the government maintains that it wants to encourage "new ownership models"³ where communities could buy the land as well as private enterprises. Yet, if the land is sold at open-market value, as announced, few communities will be able to afford it, leaving the UK's forests to be purchased by business.⁴ A gap between statements and deeds must be noted: the UK government calls on developing countries to preserve forests for their importance in climate change mitigation while putting its own at the mercy of the highest bidder to generate quick cash.

Speak your mind: A consultation is being organized in England from 27 January 2011 for 12 weeks: www.forestry.gov.uk/england-pfeconsultation

1. Since this article was written the sell-off has been put on hold due to public outcry. <http://tinyurl.com/64jmhb9>

2. Eighteen per cent of England's woodland is currently run by the Forestry Commission; ww2.defra.gov.uk/news/2011/01/27/englands-forests/

3. www.defra.gov.uk/corporate/consult/forests/20110127-forestry-consult-doc.pdf at p. 5

4. ww2.defra.gov.uk/news/2011/01/27/englands-forests/